

02-0-1496

AN ORDINANCE

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF THE CLAIM OF STATE FARM MUTUAL INSURANCE CO. AS SUBROGEE OF LISA HORNE IN AN AMOUNT NOT TO EXCEED \$4,000; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT; TO WAIVE CITY OF ATLANTA CODE OF ORDINANCES SECTIONS 2-4 AND 2-783 FOR THIS INSTANCE ONLY; AND FOR OTHER PURPOSES.

WHEREAS, STATE FARM MUTUAL INSURANCE CO. AS SUBROGEE OF LISA HORNE has filed a claim against the City of Atlanta seeking reimbursement for damages sustained to Lisa Horne's vehicle; and

WHEREAS, State Farm Mutual Insurance Co. as Subrogee of Lisa Horne allege that Lisa Horne has suffered financial losses for vehicular damage due to an automobile collision between her vehicle and a City of Atlanta police vehicle; and

WHEREAS, Craig Cooper, while on duty as a police officer for the City of Atlanta, and while operating a vehicle owned by the City of Atlanta, was ticketed for an subsequently plead Nolo Contendere to the traffic charge of "failure to yield the right of way" which precipitated the collision with Claimant's vehicle; and

WHEREAS, the Claimant has agreed to accept \$4,000.00 as full settlement of all claims against the City of Atlanta and/or its agents; and

WHEREAS, the City Attorney has done an extensive review of the facts and the law and has determined that the City's potential financial exposure in defending this claim is in excess of the settlement amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to resolve this matter and recommends that the City pay the amount of \$4,000.00 to settle all claims,

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1. The City Attorney is hereby authorized to settle the claim of State Farm Mutual Insurance Co. as Subrogee of Lisa Horne for an amount not to exceed Four Thousand Dollars (\$4,000) arising out of the lawsuit filed by the Plaintiff in the State Court of Rockdale County, as set forth in Civil Action Number 2001-SV-1377.

SECTION 2. The Chief Financial Officer is authorized to pay a total amount not to exceed \$4,000 to Claimant from Account No. 1A01-529017-T31001

SECTION 3. To the extent that Sections 2-4 and 2-784 of the Code of Ordinances of the City of Atlanta are in conflict herewith, those sections or subsections are waived for this instance only.